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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,270	01/09/2001	Alexander V. Sokhin	URR-001	6247

7590 07/09/2004  
Richard A. Jordan  
P. O. Box 81363  
Wellesley Hills, MA 02481-0004

EXAMINER

PEZZLO, JOHN

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/757,270

Applicant(s)

SOKHIN ET AL.

Examiner

John Pezzlo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,8,15,16,23 and 24 is/are allowed.
- 6) ☐ Claim(s) 1-4,9-12 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 5,6,13,14,21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-4, 9-12, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Buyukkoc et al. (US 6,463,062 B1) hereinafter Buyukkoc.

1. Regarding claims 1, 9, and 17 – Buyukkoc discloses a plurality of congestion detection agents each associated with one of said information utilization devices, each congestion detection agent being configured to generate congested path information indicating whether respective paths used by the information utilization device associated with the respective congestion detection information are congested, refer to edge node and FNI, Figures 1 and 5 and column 2 lines 36 to 52 and column 9 lines 19 to 40 and column 12 line 44 to column 13 line 22.

Buyukkoc discloses a congestion link identification processor configured to process the congestion detection information generated by the congestion detection agents to identify communication links that are congested, refer to Central RDS Server and CFNI, Figures 6 and 7

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and column 2 lines 36 to 52 and column 9 lines 19 to 40 and column 12 line 44 to column 13 line 22.

2. Regarding claims 2, 10, and 18 - Buyukkoc discloses at least one of said congestion detection agents is configured to generate congested path information in connection with one of said paths utilized by the information utilization device with which said at least one of said congestion detection agents is associated, the congested path information being in relation to the time period for at least one message packet transferred over said path, refer to edge node and Central RDS Server, Figures 1 and 5 and column 2 lines 36 to 52 and column 9 lines 19 to 40 and column 12 line 44 to column 13 line 22.

3. Regarding claims 3, 11, and 19 - Buyukkoc discloses at least one of said congestion detection agents is configured to generate congested path information in connection with congestion information received by the information utilization device with which said at least one of said congestion detection agents is associated, refer to edge node and Central RDS Server, Figures 1 and 5 and column 2 lines 36 to 52 and column 9 lines 19 to 40 and column 12 line 44 to column 13 line 22.

4. Regarding claims 4, 12, and 20 - Buyukkoc discloses said congestion link identification processor is configured to determine that a communication link is congested if congested path information indicates that all paths that utilize said communication link is congested, refer to

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Central RDS Server and CFNI, Figures 6 and 7 and column 2 lines 36 to 52 and column 9 lines 19 to 40 and column 12 line 44 to column 13 line 22.

*Allowable Subject Matter*

Claims 7, 8, 15, 16, 23, and 24 are allowable over the prior art of record.

Claims 5, 6, 13, 14, 21, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Rexford et al. (US 6,633,544 B1) discloses an efficient precomputation of QoS routes..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (703) 306-5420. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Receptionist (Sixth floor)


Crystal Park 2

2121 Crystal Drive

Arlington, VA.

John Pezzlo

2 July 2004



**JOHN PEZZLO**  
**PRIMARY EXAMINER**